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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,883	12/15/2003	Toshitsugu Suzuki	KON-1845	8985
20311	7590	04/12/2005	EXAMINER	
MUSERLIAN, LUCAS AND MERCANTI, LLP			LE, HOA VAN	
475 PARK AVENUE SOUTH			ART UNIT	
15TH FLOOR			PAPER NUMBER	
NEW YORK, NY 10016			1752	

DATE MAILED: 04/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/735,883

Applicant(s)

SUZUKI, TOSHITSUGU

Examiner

Hoa V. Le

Art Unit

1752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
4a) Of the above claim(s) 5 and 7-12 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-4 and 6 with respect to the elected granular species is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☒ Claim(s) 1-12 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 27 May 2004.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

This is in response to Paper filed on 17 March 2005.

I. Applicant elect the granular species without traverse being acknowledged. The elected granular species has been considered and searched. Other are not considered, searches or examined until all of the applications of the elected granular species are overcome. Accordingly, claims 5 (being in the paste form as claimed) and claims 7-12 (being in the solution form as claimed).

II. Applicant's prior art submission filed on 27 May 2004 has been considered to the extent of the English language as provided.

III. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 6 with respect to the elected granular species are rejected under 35 U.S.C. 102(b) as being anticipated by Satake et al (5,457,010).

Satake et al disclose, teach, demonstrate and reduce to practice with a granular composition comprising an alkaline agent, no silicon oxide and 1 wt% or less of water. Please col.25:57 and 59 and 26:1-3.

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The intended use in the preamble of the claims with respect to “for a lithographic...polymeric binder” has and is given no patentable value in the above applied statute.

Since Satake et al are reasonably disclosed, taught, demonstrated and reduced to practice with the claimed embodiments, the above claims are found to be anticipated by Satake et al.

IV. Claims 1-4 and 6 with respect to the elected granular species are rejected under 35 U.S.C. 102(b) as being anticipated by Ishida et al (5,484,691).

Ishida et al disclose, teach, demonstrate and reduce to practice with a granular composition comprising an alkaline agent, no silicon oxide and 1 wt% or less of water. Please col.6:34 and 39-41.

The intended use in the preamble of the claims with respect to “for a lithographic...polymeric binder” has and is given no patentable value in the above applied statute.

Since Ishida et al are reasonably disclosed, taught, demonstrated and reduced to practice with the claimed embodiments, the above claims are found to be anticipated by Ishida et al.

V. Claims 1-4 and 6 with respect to the elected granular species are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshimoto (5,512,424).

Yoshimoto discloses, teaches, demonstrates and reduces to practice with a granular composition comprising an alkaline agent, no silicon oxide and 1 wt% or less of water. Please col.7:17-19 and 23-24.

The intended use in the preamble of the claims with respect to “for a lithographic...polymeric binder” has and is given no patentable value in the above applied statute.

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Since Yoshimoto is reasonably disclosed, taught, demonstrated and reduced to practice with the claimed embodiments, the above claims are found to be anticipated by Yoshimoto.

VI. Claims 1-4 and 6 with respect to the elected granular species are rejected under 35 U.S.C. 102(b) as being anticipated by Ueda et al (5,663,039).

Ueda et al disclose, teach, demonstrate and reduce to practice with a granular composition comprising an alkaline agent, no silicon oxide and 1 wt% or less of water. Please col.18:53 and 64-66.

The intended use in the preamble of the claims with respect to “for a lithographic...polymeric binder” has and is given no patentable value in the above applied statute.

Since Ueda et al are reasonably disclosed, taught, demonstrated and reduced to practice with the claimed embodiments, the above claims are found to be anticipated by Ueda et al.

VII. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4 and 6 with respect to the elected granular species are rejected under 35 U.S.C. 102(e) as being anticipated by Buckland et al (6,727,219).

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Buckland et al disclose, teach, demonstrate and reduce to practice with a granular composition comprising an alkaline agent, no silicon oxide and 1 wt% or less of water. Please col.2:55-62 and 6:48-49.

The intended use in the preamble of the claims with respect to “for a lithographic...polymeric binder” has and is given no patentable value in the above applied statue.

Since Buckland et al are reasonably disclosed, taught, demonstrated and reduced to practice with the claimed embodiments, the above claims are found to be anticipated by Buckland et al.

VIII. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoa V. Le whose telephone number is 571-272-1332.

The examiner can normally be reached from 6:30 AM to 4:30 PM on Monday though Thursday and about the same time of most Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Cynthia Kelly can be reached on 571-272-1526.

Applicants may file a paper by (1) fax with a central facsimile receiving number 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Hoa V. Le
Primary Examiner
Art Unit 1752

HVL
11 April 2005

HOA VAN LE
PRIMARY EXAMINER

Hoa Van Le